

REMARKS

I. Background

The present Amendment is in response to the Office Action mailed August 31, 2007, 2007. Claims 1, 2, 3, 5, 7-10, and 12-22 were rejected under 35 U.S.C. 103 (a) as being unpatentable over *Green et al.* (U.S. Patent No. 5,674,231) or *Martinez et al.* (U.S. Patent No. 5,593,412), whether alone or in combination., while claim 6 was rejected under 35 U.S.C. 103 (a) as being unpatentable over *Green et al.*, in view of *Martinez et al.*, and further in view of *Kanner* (U.S. Patent No. 5,868,755). Claims 1, 2, 3, 5, 7-10, and 12-22 are now pending. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.¹

II. Rejections on the Merits

A. Rejections Under 35 U.S.C. § 103

Claims 1, 2, 3, 5, 7-10 and 12-22 were rejected under 35 U.S.C. § 103 as being unpatentable over *Green et al.* or *Martinez et al.*, whether alone or in combination. Applicants respectfully traverse.

Green et al. was cited as disclosing the invention of independent claims 1, 17, and 20 "except for a skin, or sleeve member, overlying at least a portion of the outer surface" (Office Action, Page 4). *Martinez et al.* was cited as teaching "a skin, or sleeve, 18 overlying at least a portion of the outer surface between the carrier assembly and a distal end of the elongate member and the carrier assembly causing the skin to separate from the outer surface of the elongate member as the carrier assembly is advance towards the distal end" (Office Action page 4).

By this amendment independent claims 1, 17, and 20 have been amended to recite, in part, "the carrier assembly causing the skin to separate from the outer surface of the elongate member from a proximal end of the skin toward a distal end of the skin as the carrier assembly is advanced towards the distal end", "the advancement of the carrier assembly causing the sleeve

¹ Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

member to be disrupted from a proximal end of the sleeve member toward the distal end of the sleeve member to permit such advancement", and "the advancement of the carrier assembly causing the sleeve member to be expanded from a proximal end of the sleeve member toward the distal end of the sleeve member to permit such advancement", respectively. The sleeve identified in *Martinez et al.* separates from the distal end toward the proximal end, as illustrated in Figures 3-5, because "after the distal end portion 32 of the sheath 18 has been softened with the liquid, it can be expanded and withdrawn more easily" as the "sheath 18 is pulled rearwardly, as shown in FIG. 5, from its positions over the balloon" (Col. 4, ll. 58-59 and col. 4, ln. 67-col. 5, ln. 1).

Kanner discloses a sheath retractor mechanism and method where the sheath is retracted proximally to "expose[] the stent such that the balloon catheter can be inflated" (Col. 3, ll. 41-42). *Kanner* neither teaches nor suggests the separation, disruption, or expansion of the skin or sleeve from the proximal end toward the distal end as recited, respectively, in independent claims 1, 17, and 20.

Even if, *arguendo*, the teachings of *Green et al.*, *Martinez et al.*, and/or *Kanner* where combined, there is no teaching or suggestion for the separation, disruption, or expansion recited in independent claims 1, 17, and 20. Combining *Green et al.* with either *Martinez et al.* or *Kanner* results in a device where the skin or sleeve is either moved proximally or "can be expanded and withdrawn more easily" through softening and expansion of the distal end. In each case, the separation, disruption, or expansion of the skin or sleeve from the proximal end toward the distal end as recited, respectively, in independent claims 1, 17, and 20, is neither taught nor suggested by *Green et al.*, *Martinez et al.*, and/or *Kanner*.

For the reasons stated above, Applicants respectfully submit that the scope and content of *Green et al.*, *Martinez et al.*, and/or *Kanner*, nor the level of ordinary skill in the prior art, teaches or suggests combining the device of *Green et al.*, *Martinez et al.*, and/or *Kanner*. As such, Applicants respectfully request withdrawal of the rejection of claims 1, 2, 3, 5, 7-10 and 12-22 under 35 U.S.C. § 103.

CONCLUSION

In view of the foregoing, Applicants believe the claims provided in the claim listing are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30th day of November, 2007.

Respectfully submitted,

/Fraser D. Roy, Reg.# 45666/

FRASER D. ROY
Registration No. 45,666
Attorney for Applicant
Customer No. 057360

FDR.kdj
FDR0000001510V001